

REMARKS

In the Office Action, the Examiner noted that claims 1-6, 9 and 11-14 are pending in the application and that claims 1-6, 9 and 11-14 stand rejected. None of the Applicant's claims are amended by this response.

In view of the following discussion, the Applicant respectfully submits that none of these claims now pending in the application are rendered obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicant respectfully submits that all of these claims are now in allowable form.

Rejections**A. 35 U.S.C. §103**

The Examiner rejected the Applicant's claims 1-6, 9 and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Gordon et al. (2002/0013944, hereinafter "Gordon") in view of Dinallo et al. (5,929,857, hereinafter "Dinallo"). The rejection is respectfully traversed.

The Applicant submits that in the present Office Action, the Examiner does not cite new prior art and does not provide new arguments over the previous Final Office Action. That is, the Applicant's arguments of the Applicant's Response filed on March 30, 2009 are not responded to. Under "Response to Arguments" on page 8 of the current Office Action, the Examiner refers to preceding sections and to the prior Office Action, but neither in the preceding sections nor in the prior Office Action did the Examiner provide more than a reference to either Gordon or Dinallo. The Applicant submits that the Applicant's previous arguments as to why the cited paragraphs in the cited references do not unambiguously disclose or render obvious the respective features of the Applicant's invention are not responded to by the Examiner.

More specifically, the Applicant's previous arguments included that:

1. Gordon fails to teach ... "retrieving a (single) data segment having encoded therein at least **graphic** data for a first and a second menu button ..., wherein the second menu button being a child of the first menu button can only be selected when the first menu button is selected". Gordon teaches hierarchical menus ("category menu" and "title menu", see 0048), both menus are

separate applets, therefore no single data segment is used in Gordon.

The Examiner did not explain how the features “single data segment”, “graphic data” and “second menu button being a child of the first menu button/parent-child relationship” may be disclosed or suggested in the prior art. For the sake of completeness, Dinallo shows graphic data retrieved from a separate database, but not from the menu data segment, as claimed.

2. Gordon teaches “a title menu is displayed after the selection in the category menu was made”, and “whenever a menu selection is made, the system ... launches a new menu” (see para.0043); the presently claimed invention enables both menu buttons to be separately rendered and to be visible simultaneously.

The Examiner did not explain how the claimed features “the second menu button ... can only be selected while the first menu button is selected” and “first and second menu buttons are displayed simultaneously” may be disclosed or suggested in the prior art. Dinallo discloses subsequently displayed menu pages. As explained earlier, Dinallo's system requires that full menu pages are rendered for every change in the display of the menu, while the present invention allows additional rendering of single menu buttons into a menu page.

3. It is unclear if, in Dinallo, disabled buttons are functionally disabled, and it is unclear if “disabled” default buttons are visible or not; the skilled person may not unambiguously derive from Dinallo “modifying said interactive menu such that the first and the second menu button are displayed simultaneously”.

The Examiner did not provide comments on this feature either.

The Applicant submits that, additionally, the Examiner did not provide arguments as to why the Applicant's dependent claims were rejected. The Applicant's arguments on novelty and non-obviousness of the dependent claims include at least the following:

Claim 2: The feature is not shown in Gordon, as described above; the first menu item can't be in selected state if it is not shown, and must have been in the activated state before. The cited para. 37-39 on page 4 of Gordon are not relevant for this feature.

Claim 3: The cited para. 46 on page 5 of Gordon does not show claimed feature; it is unclear how the Examiner interprets this part of Gordon.

Claim 4: Neighbor information is not shown on the cited para.43-45 of page 5 of Gordon. Neighbor information is the information that defines for any particular button a next button that will be selected when the user presses "up"/"down"/"left"/"right" button on the remote control; this is individual information for each button.

Claim 6: Gordon does not disclose graphic data of the second menu button being stored in the same menu data segment, as claimed. Instead, whenever a menu selection is made, the system downloads an applet (i.e. another menu data segment) and either launches a new menu or displays a selected program (see Gordon, para.0043). Dinallo retrieves graphic data from a database, not from the menu data segment. Therefore, also Dinallo does not disclose graphic data of the second menu button being stored in the same menu data segment, as claimed.

Claim 9: The cited para. 47-49 of page 5 of Gordon do not show a third menu button connected by a parent-child relationship to the second menu button. It is unclear how the Examiner interprets this part of Gordon.

Claim 11: The cited para.41 on page 4 of Gordon does not show by a link or identifier indicating a parent-child relationship between a first and a second button. It is unclear how the Examiner interprets this part.

The Applicant hereafter reiterates the arguments presented in the previous Responses.

More specifically, the Examiner alleges that regarding claim 1, Gordon discloses a method for generating an interactive electronic menu on a display including all of the aspects of the Applicant's invention and claims except that Gordon fails to explicitly disclose generating the interactive menu on a display, wherein at least the first menu button but not the second menu is displayed; and upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and second menu button are displayed simultaneously. As such, the Examiner cites Dinallo for teaching such features of the Applicant's invention and specifically the Applicant's claim 1. The Applicant respectfully disagrees.

Although the Applicant agrees with the Examiner's concession that Gordon fails to explicitly disclose generating the interactive menu on a display, wherein at least the first menu button but not the second menu is displayed; and upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and second menu button are displayed simultaneously as taught in the Applicant's Specification and as claimed by at least the Applicant's claim 1, the Applicant further submits that Gordon also fails to teach, suggest or render obvious "retrieving a (single) data segment having encoded therein at least **graphic** data for a first and a second menu button ..., wherein the second menu button being a child of the first menu button can only be selected when the first menu button is selected". In contrast to the invention of the Applicant, the invention of Gordon teaches hierarchical menus ("category menu" and "title menu", see 0048). In Gordon, both menus are separate applets, therefore no single data segment is used in Gordon as taught in the Applicant's Specification and claimed by at least the Applicant's claim 1.

Further, in Gordon, the title menu is displayed after the selection in the category menu was made. In contrast to Gordon, the invention of the Applicant enables both menu buttons to be visible simultaneously, as taught in at least the Applicant's Figure 2 and claimed by at least the Applicant's claim 1. This is useful, since the first and second menu buttons are connected by a parent-child relationship. To further clarify this difference in the independent claims, the Applicant's independent claims have been amended to read "the second menu

button being a child of the first menu button can only be selected while the first menu button is selected”.

Even further, the Applicant submits that Gordon absolutely fails to teach or render obvious “generating the interactive menu on a display, wherein at least the first menu button but not the second menu button is displayed; and upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously”, as taught in the Applicant's Specification and as claimed by at least the Applicant's independent claims 1 and 12.

The Applicant further submits that the teachings of Dinallo absolutely fail to bridge the substantial gap between the teachings of Gordon and the invention of the Applicant. That is, Dinallo teaches a menu that can be enhanced by additional data that specifies existing menu buttons to be replaced by further (though functionally equivalent) menu buttons. It is assumed that the Examiner refers to a default button and its respective functionally equivalent customized button as the first and second menu buttons, though not explicitly mentioned in the Final Office Action. The Applicant submits that, as such, Dinallo may disclose “generating the interactive menu on a display, wherein at least the first menu button but not the second menu button is displayed”, but absolutely fails to teach, suggest or render obvious “upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously” as taught in the Applicant's Specification and claimed by at least the Applicant's independent claim 1.

More specifically, in Dinallo, the decision as to which menu buttons are rendered visible seems to depend on the additional data from the DVD datastream (col.9, lines 44-47). In Dinallo, a default menu is always generated (col.3, lines 41-45 and col.9, lines 1-22), whether or not there are additional navigation commands in the datastream. If additional navigation commands in the datastream are available, customized buttons are shown and the default menu buttons are “disabled by controlling the color and contrast” (col.10, lines 44-51). Thus, the Applicant submits that it is unclear if, in Dinallo, such buttons are functionally disabled, and it is unclear if “disabled” default buttons are visible or not. While Figs. 6 and 7 of Dinallo may suggest disabled buttons being visible, this would apparently be disturbing to a user.

On the other hand, “the default information will always be displayed as part of the graphic user interface” (col.9, lines 36-37). Therefore, the skilled person may not unambiguously derive from Dinallo “modifying said interactive menu such that the first and the second menu button are displayed simultaneously” as taught in the Applicant’s Specification and claimed by at least the Applicant’s independent claim 1.

In addition, the Applicant submits that there is no teaching in Dinallo that the interactive menu is modified upon selection of the first menu button. Though it is mentioned that “other logic may be used to enable or disable the buttons at appropriate times depending on the user action” (col.10, lines 51-52), this refers to the general current playback state or the like. For example, a previously invisible menu may be rendered visible when the user presses a “menu” button on the remote control. This is however not “upon selection of the first menu button”, as taught in the Applicant’s Specification and claimed by at least the Applicant’s independent claim 1, since the first menu button must be one that is retrieved from the data segment and visible on the display. Further, in Dinallo, the second button is not displayed upon execution of said first button’s button command, as taught in the Applicant’s Specification and claimed by at least the Applicant’s independent claim 1.

Because Dinallo shows additional menu information (control data, but no image data) relating to a plurality of menu buttons, the Applicant has amended the Applicant’s independent claims 1 and 12 to include “graphic data for a first and a second menu button” (disclosed on page 3, line 18) to more clearly distinguish the invention of the Applicant over the cited prior art. That is, Dinallo uses commands and attributes retrieved from the data segment in order to construct a database query which returns bitmap unit objects from a separate database (col.7, lines 25-27, 38-39 and 59-61). The style of the menu is determined from a database of bitmap images (col.9, lines 48-49). Thus, the invention of Dinallo is more complicated than the invention of the Applicant, since it requires a bitmap database in the player. As such, the invention of the Applicant is advantageous over the invention of Dinallo. Simultaneously the invention of Dinallo is less flexible than the invention of the Applicant, since it relies on predefined database objects.

Therefore and for at least the reasons recited above, the Applicant submits that Gordon and Dinallo, alone or in any allowable combination, absolutely fail to teach, suggest or render obvious each and every element of the Applicant’s claimed

invention as claimed in at least the Applicant's claim 1. As such, the Applicant submits that for at least the reasons recited above, the Applicant's claim 1 is not rendered obvious by the teachings of Gordon and Dinallo, alone or in any allowable combination, and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Likewise, the Applicant's independent claim 12 recites and claims similar relevant features as claimed in the Applicant's claim 1. As such, the Applicant submits that claim 12 is also not rendered obvious by the teachings of Gordon and Dinallo, alone or in any allowable combination, and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Furthermore, the Applicant's dependent claims 2-6, 9 and 11-14 depend either directly or indirectly from the Applicant's independent claims 1 and 12 and recite additional features thereof. As such, the Applicant submits that at least because the Applicant's claims 1 and 12 are not rendered obvious by the teachings of Gordon and Dinallo, alone or in any allowable combination, the Applicant further submits that the Applicant's dependent claims 2-6, 9 and 11-14, which depend either directly or indirectly from the Applicant's claims 1 and 12, are also not rendered obvious by the teachings of Gordon and Dinallo, alone or in any allowable combination, and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

Conclusion

Thus, the Applicant submits that none of the claims, presently in the application, are rendered obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the

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subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,
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